

# **EXHIBIT D**

## Time to Milestones

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## U.S. District Courts (2865 cases)



## U.S. District Courts

	Occurrences	Minimum	2nd Percentile	First Quartile	Median	Third Quartile	98th Percentile	Maximum	Average
Claim Construction	476	-3.4	7.0	13.2	16.8	24.2	78.4	124.9	21.4
Patentee MSJ	137	2.4	7.5	19.5	24.5	32.2	80.7	97.7	27.9
Infringement	309	3.1	3.3	11.0	17.6	29.5	62.9	88.0	21.6
Patent not invalid	426	2.2	3.9	13.0	20.8	30.2	87.8	124.3	23.9
Patent enforceable	100	2.2	3.3	5.9	12.2	24.4	80.7	88.0	17.4
Patent Challenger MSJ	437	0.4	5.3	16.5	23.4	31.0	60.3	88.1	24.6
Noninfringement	472	1.1	9.0	18.8	25.4	35.3	82.0	125.1	29.2
Patent invalid	450	1.0	3.4	7.8	16.9	25.5	82.0	97.2	20.3
Patent unenforceable	8	16.3			32.3			42.1	30.8
Damages	117	8.8	11.8	21.1	27.9	36.0	85.1	88.0	32.1
TRO/Prelim Injct	157	0.7	1.1	2.4	3.5	13.1	18.3	18.3	7.0
Injct/Ongoing Royalty	189	1.0	2.2	8.6	14.6	25.0	77.6	80.4	20.0
Enhncd Dam/Atty Fees	74	4.9	8.6	13.6	20.3	44.3	74.2	74.2	28.5
Sanctions	27	9.0	9.8	13.5	19.8	41.4	65.5	65.5	28.1
Jury Trial	309	12.2	13.0	22.5	28.3	38.4	84.7	85.1	34.4
Bench Trial	12	13.6	15.0	18.9	26.6	35.3	73.4	73.4	29.5
Transfer	98	0.0		2.8	4.2	7.2	37.5	37.5	6.4
Stay	857		1.1	4.1	8.5	16.3	64.6	118.0	13.4
Appeal	504	-19.7	3.6	10.3	22.7	37.1	87.0	125.8	28.2
Likely Settlement	1538	0.0	0.5	2.9	5.2	8.6	30.3	90.6	7.2
Mature Termination	976	0.1	2.4	9.0	18.3	30.0	72.5	125.1	22.3